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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/597,629	08/02/2006	Roy Shkedi		4204

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EXAMINER

MAPA, MICHAEL Y

ART UNIT	PAPER NUMBER
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4113

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08/06/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,629	Applicant(s) SHKEDI, ROY	
	Examiner Michael Mapa	Art Unit 4113	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 August 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 02 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>08/02/06, 04/19/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Information Disclosure Statement

1. The information disclosure statement (IDS) submitted on 08/02/06 and 04/19/07 has been considered by the examiner.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 1, 3, 5-9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term "substantially current" in claims 1, 3, 5-9 is a relative term which renders the claim indefinite. The term "substantially current" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. The claim language used in claim 3 wherein the claim states "substantially current" is indefinite because the applicant has not specified what is considered as "substantially current".

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Bates et al. (US Patent Publication 2001/0055974 herein after referenced as Bates).

Regarding claim 1, Bates discloses a telephone system and method for selectively ringing one or more land phones or portable phones based on the self-detected geographical position of a portable phone [TITLE] which reads on claimed “A protocol for location-based telecommunications redundancy, operable at a data-communications topology juncture having at least two telecommunications media thereat”. In addition Bates continues to disclose the system and method wherein a region with a list of current phone numbers whose operation may be affected by the presence or absence of a portable phone within the region and further gives a specific example of when a portable phone is at home (710) that a call to either home phone or portable phone [Paragraph [0044]], which reads on claimed “On the occurrence of a call-processing request from a caller to a recipient, first software at-the-juncture accessing a substantially current location for the recipient;”, will cause the call router (750) to ring both phones depending on the phone parameters set for that region [Paragraph [0044]]

which reads on claimed "Using the current location, second software at-the-juncture propagating the request to "ring" at two call-receiving devices closest to the current location -wherein one of the devices is a mobile telecommunications device of the recipient and the other of the devices is a terrestrial device of the recipient that is closest to the current location of the recipient."

Regarding claim 2, Bates discloses everything claimed as applied above (see claim 1). In addition, Bates continues to disclose the system and method wherein the call router determines whether the ringing of a phone should be altered due to the presence of a portable phone and the phone parameters in any defined region [Paragraph [0053]] which reads on claimed " the request to "ring" the terrestrial device is a request for a distinctive ringing."

Regarding claims 3 and 4, Bates discloses everything claimed as applied above (see claim 1 and claim 3). In addition, Bates continues to disclose the call router determining the location of the portable phone as it enters or exits the defined region [Paragraph [0054]] which reads on claimed "wherein substantially current location for the recipient is derived from obtaining coordinates corresponding to a cell of the recipient's mobile telecommunications device." and also reads on claimed "wherein the coordinates are selected from the list: a. A geographic map reference, b. A telecommunication infrastructure logical location, c. A mobile telecommunication service cell, d. A mobile telecommunications micro-cell, and e. A mobile telecommunications antenna coverage location."

Regarding claim 5, Bates discloses everything claimed as applied above (see claim 1). In addition, Bates continues to disclose the call router to detect whether the portable phone is within a defined region [Paragraph [0054]] and further discloses that the geographical regions may be defined by the user [Paragraph [0035]] which reads on claimed "wherein substantially current location for the recipient is derived from obtaining coordinates corresponding to an area of preference designated by the recipient."

Regarding claim 6, Bates discloses a call router [Paragraph [0044]] to be part of a telephone system and method for selectively ringing one or more land phones or portable phones based on the self-detected geographical position of a portable phone [TITLE] which reads on claimed "An article of manufacture including a computer usable medium having computer readable program code embodied therein for facilitating a protocol for location-based telecommunications redundancy, operable at a data-communications topology juncture having)at least two telecommunications media there-at,". In addition Bates continues to disclose the system and method wherein a region with a list of current phone numbers whose operation may be affected by the presence or absence of a portable phone within the region and further gives a specific example of when a portable phone is at home (710) that a call to either home phone or portable phone [Paragraph [0044]], which reads on claimed "first computer readable program code for causing a computer to, on the occurrence of a call-processing request from a caller to a recipient, accessing a substantially current location for the recipient;", will cause the call router (750) to ring both phones depending on the phone parameters set for that region [Paragraph [0044]] which reads on claimed " tied to the first computer

readable software, second computer readable program code for causing the computer, using the current location, propagating the request to "ring" at two call-receiving devices closest to the current location - wherein one of the devices is a mobile telecommunications device of the recipient and the other of the devices is a terrestrial device of the recipient that is closest to the current location of the recipient."

Regarding claim 7, Bates discloses a call router [Paragraph [0044]] to be part of a telephone system and method for selectively ringing one or more land phones or portable phones based on the self-detected geographical position of a portable phone [TITLE] which reads on claimed "A program storage device readable by machine, tangibly embodying a program of instructions executable by the machine to perform steps for facilitating a protocol for location-based telecommunications redundancy, operable at a data-communications topology juncture having at least two telecommunications media there-at". In addition Bates continues to disclose the call router determining the location of the portable phone [Paragraph [0054]] as well as disclosing the portable phone sending geographical position reports [Paragraph [0052]] which reads on claimed "Maintaining a substantially current location for a mobile device of a recipient;". Bates also discloses the system and method for assigning a telephone number to a geographical location [Fig. 18 and Paragraph [0055]] which reads on claimed "Accepting from the recipient a list of at least one terrestrial devices," and claimed "Establishing a mobile telephone synonymous coordinate for each of the at least one terrestrial devices." Bates continues to disclose the phone parameters of the telephone numbers to be assigned as alphanumeric assignment [Fig. 8] which reads on

claimed “each device respectively identified by infrastructure predetermined logical alphanumeric assignment code.” Bates further discloses that the assigned telephone number is connected to the recipient mobile and follows the phone parameters set for as long as the assigned number is within the defined region [Paragraph [0055]] which reads on claimed “Keeping a current preference correspondence between the current location of the mobile device of the recipient and a most proximate terrestrial device based on the respective synonymous coordinate.”

Regarding claim 8, Bates discloses the system and method for assigning a telephone number to a geographical location [Fig. 18 and Paragraph [0055]] which reads on claimed “A location registration method, for use in the protocol for location-based telecommunications redundancy.” Bates continues to disclose the method of assigning a telephone number to a defined geographical location and assigning one or more phones to the assigned geographical region such that when the assigned telephone number is called, all the assigned phones in the assigned region are rung [Fig. 18, Paragraph [0055]] which reads on claimed “from a substantially mobile phone located next to a connected substantially terrestrial telecommunications unit, transmitting an accepted terrestrial-system identification number for the terrestrial unit; at a predetermined juncture in a data-communications topology, recording the identification number in logical association with a base-station antenna-space location for the substantially mobile phone during the transmitting.”

Regarding claim 9, Bates discloses a telephone system and method for selectively ringing one or more land phones or portable phones based on the self-

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detected geographical position of a portable phone [TITLE] which reads on claimed "A protocol for location-based telecommunications redundancy, operable at a data-communications topology juncture having at least two telecommunications media there-at". In addition Bates continues to disclose the system and method wherein a region with a list of current phone numbers whose operation may be affected by the presence or absence of a portable phone within the region and further gives a specific example of when a portable phone is at home (710) that a call to either home phone or portable phone will cause the call router (750) to ring both phones depending on the phone parameters set for that region [Paragraph [0044]] which reads on claimed "the protocol is characterized by an occurrence of a call-processing request - from a caller to a recipient - resulting in substantially simultaneously "ringing" of a plurality of proximate recipient respective-media devices wherein one of the devices is a mobile telecommunications device."

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Mapa whose telephone number is (571)270-5540. The examiner can normally be reached on MONDAY TO THURSDAY 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jefferey Harold can be reached on (571)272-7519. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Mapa/

Examiner, Art Unit 4113

/Jefferey F Harold/

Supervisory Patent Examiner, Art Unit 4113